

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHRISTIAN OWENS,

Plaintiff,

v.

DEB, *et al.*,

Defendants.

No. 4:22-CV-01571

(Chief Judge Brann)

ORDER

AND NOW, this 31st day of January 2024, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Defendants' motion (Doc. 33) to dismiss under Federal Rule of Civil Procedure 12(b)(6) is **GRANTED** in part and **DENIED** in part, as follows:
 - a. Plaintiff's First Amendment retaliation claim is **DISMISSED** with prejudice pursuant to Rule 12(b)(6).
 - b. Plaintiff's RLUIPA claim is **DISMISSED** with prejudice pursuant to Rule 12(b)(6).
 - c. Plaintiff's Eighth Amendment conditions-of-confinement claim is **DISMISSED** with prejudice pursuant to Rule 12(b)(6) as to defendants Tiffany Brindle and Katherine Collins.
 - d. Defendants' motion is **DENIED** in all other respects.
2. The Clerk of Court is directed to terminate defendants "Tiffany" and "Katherine."
3. This case shall proceed on Plaintiff's Eighth Amendment conditions-of-confinement claim against defendants "Deb" and "Kerry" only.

4. Defendants shall respond to the remaining Section 1983 claim listed in paragraph 3 above as required by Federal Rule of Civil Procedure 15.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge